

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE JOINT APPLICATION OF NUON	)	
GLOBAL SOLUTIONS USA, BV, NUON	)	
GLOBAL SOLUTIONS USA, INC., AIG	)	
HIGHSTAR CAPITAL II, LP, HYDRO STAR,	)	
LLC, UTILITIES, INC. AND WATER	)	CASE NO. 2005-00433
SERVICE CORPORATION OF KENTUCKY	)	
FOR APPROVAL OF AN INDIRECT	)	
CHANGE IN CONTROL OF A CERTAIN	)	
KENTUCKY UTILITY PURSUANT TO THE	)	
PROVISIONS OF KRS 278.020(5) AND (6)	)	
AND 807 KAR 5:001, SECTION 8	)	

COMMISSION STAFF'S FIRST DATA REQUEST  
TO APPLICANTS

Pursuant to 807 KAR 5:001, Commission Staff requests that Nuon Global Solutions USA, B.V., Nuon Global Solutions USA, Inc., AIG Highstar Capital II, LP, Hydro Star, LLC (“Hydro Star”), Utilities, Inc. (“Utilities”), and Water Service Corporation of Kentucky (“Water Service”) (collectively “Applicants”) file the original and 8 copies of the following information with the Commission. The information requested herein is due on or before December 20, 2005, with a copy to all parties of record. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure its legibility. When the requested information has been previously provided in this proceeding (or in Case

No. 2005-00323<sup>1</sup>) in the requested format, reference may be made to the specific location of that information in responding to this information request. When applicable, the requested information should be provided for total company operations and jurisdictional operations, separately.

1. KRS 278.020(5) provides that before approving the transfer of stock as proposed, the Commission must find that the acquiring company, Hydro Star, “[h]as the financial, technical, and managerial abilities to provide reasonable service.” Provide documentary evidence showing that Hydro Star has the financial, technical, and managerial abilities to operate Water Service.

2. KRS 278.020(6) provides that the Commission must find that the proposed transaction “[i]s to be made in accordance with law, for a proper purpose and is consistent with the public interest.” Explain how the proposed transaction benefits the public.

3. In response to Item 15(d) of the First Data Request of Commission Staff in Case No. 2005-00323, Applicants state that Water Service is funded by equity from Utilities and that these capital infusions will continue post-closing. For each capital infusion that occurred during the 4-year period of 2000 through 2004, provide the following information:

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<sup>1</sup> Case No. 2005-00323, The Joint Application of Nuon Global Solutions USA, BV, Hydro Star, LLC, Utilities, Inc. and Water Service Corporation of Kentucky For Approval of an Indirect Change in Control of a Certain Kentucky Utility Pursuant to the Provisions of KRS 278.020(5) and (6) and 807 KAR 5:001, Section 8, filed on August 8, 2005 and dismissed on October 31, 2005. The entire record of Case No. 2005-00323 has been incorporated into this action.

- a. The date and amount.
- b. The reason for the infusion.
- c. The source (e.g., debt, stock, internal cash reserves, parent, etc.).

If debt, include the interest rate and the party that issued the debt. If stock, include the party that issued the stock.

- d. Explain the impact the stock transfer will have upon Utilities' ability to obtain capital.

4. In response to Item 25(b) of the First Data Request of Commission Staff in Case No. 2005-00323, Applicants state that a copy of the written standards or policies of Utilities and Water Service is attached; however, the copy was not included in the response. Provide all written standards or policies related to service quality and reliability of Water Service's operations.

5. In response to Item 11(a) of the First Data Request of Commission Staff in Case No. 2005-00323, Applicants provided a list of all regulatory and governmental approvals required for Hydro Star's acquisition of Nuon Inc.'s stock. For each jurisdiction listed below provide: (1) a copy of the application, (2) the date an application for such approval will be or has been submitted, (3) the expected date of approval, and (4) a copy of the regulatory and governmental approvals when they are issued.

- a. Florida Public Service Commission.
- b. Sarasota County, Florida.
- c. Illinois Commerce Commission.
- d. North Carolina Utilities Commission.

- e. Pennsylvania Public Utilities Commission.
- f. Virginia State Corporation Commission.
- g. Nevada Public Utilities Commission.
- h. New Jersey Board of Public Utilities.



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Beth O'Donnell  
Executive Director  
Public Service Commission  
P. O. Box 615  
Frankfort, KY 40602

DATED December 5, 2005

cc: Parties of Record

